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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,065	03/31/2004	Futoshi Kobayashi	CFA00073US	8901

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CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION
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IRVINE, CA 92618-3731

EXAMINER

THOMAS, BRANDI N

ART UNIT	PAPER NUMBER
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2873

MAIL DATE	DELIVERY MODE
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02/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/816,065	Applicant(s) KOBAYASHI, FUTOSHI	
	Examiner BRANDI N. THOMAS	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichinokawa (6599035 B2) in view of Shimazaki et al. (5748934) in further view of (JP02003274229A).

Regarding claim 6, Ichinokawa discloses in figures 1-3, an imaging system (100) comprising: a holding unit (1a) holding an image picking-up device (37) that receives light from a subject and generates a signal (col. 4, lines 66-67 and col. 5, lines 1-3 and 9-11); a motor (23) configured to drive a driven member (col. 5, lines 25-29), the motor being arranged closer to the subject side than the holding unit (1a) (col. 5, lines 25-29); and a bar-shaped guide member (11) guiding a guided member (col. 4, lines 13-23), the guide member (11) being arranged closer to the subject side than the holding unit (1a) and movable relatively to the holding unit (1a) in the direction of the optical axis (col. 3, lines 38-43), wherein the holding unit (1a) includes an overhang portion holding the image picking-up device (37) in the direction of the subject side on the optical axis (col. 4, lines 66-67 and col. 5, lines 1-3 and 9-11); but does not specifically disclose wherein the motor is movable relatively to the holding unit in the direction of an optical axis and the motor; and the motor and guide member arranged to overlap the holding unit and the guide member are arranged so as to avoid the overhang portion in the direction perpendicular

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to the optical axis when the motor and the guide member come relatively close to the holding unit. (JP02003274229A) discloses wherein the motor is movable relatively to the holding unit (11) in the direction of an optical axis (abstract). Shimazaki et al. discloses, in figure 1, the motor (10) and the guide member (31 and 32) are arranged so as to avoid the overhang portion in the direction perpendicular to the optical axis when the motor and the guide member come relatively close to the holding unit (11) (col. 2, lines 24-34 and col. 3, lines 62-67). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the device of Ichinokawa with the motor of JP02003274229A for the purpose of moving the chassis fore and back in the lens optical axis (abstract). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the device of Ichinokawa with the motor of Shimazaki et al. for the purpose of moving the holding unit in the optical axis direction (col. 2, lines 24-34 and col. 3, lines 62-67).

Regarding claim 7, Ichinokawa discloses in figures 1-3, an imaging system (100), wherein the holding unit (1a) includes a tilting unit tilting an imaging surface of the image picking-up device (37) (col. 4, lines 67 and col. 5, lines 1-6), and wherein the motor (23) and the guide member (11) are arranged within a cylinder substantially containing the tilting unit (col. 4, lines 67 and col. 5, lines 1-6) but does not specifically disclose the motor and the guide member are arranged so as to avoid the overhang portion in the direction perpendicular to the optical axis when the motor and the guide member come relatively close to the holding unit. Shimazaki et al. discloses, in figure 1, wherein the motor (10) and the guide member (31 and 32) are arranged so as to avoid the overhang portion in the direction perpendicular to the optical axis when the motor and the guide member come relatively close to the holding unit (11) (col. 2, lines 24-34 and col.

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3, lines 62-67). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the device of Ichinokawa with the motor of Shimazaki et al. for the purpose of moving the holding unit in the optical axis direction (col. 2, lines 24-34 and col. 3, lines 62-67).

Response to Arguments

3. Applicant's arguments with respect to claims 6 and 7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI N. THOMAS whose telephone number is (571)272-2341. The examiner can normally be reached on Monday - Thursday from 6-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brandi N Thomas
Examiner
Art Unit 2873

BNT

BNT

January 30, 2008

Ricky Mack
RICKY MACK
SUPERVISORY PATENT EXAMINER